
By: **Delegates Trueschler, Aumann, Burns, Frank, Fulton, Kach, Taylor, and Vaughn**

Introduced and read first time: February 7, 2003

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Elevator Safety - Boiler and Pressure Vessel Safety - Privatization of**
3 **Inspections**

4 FOR the purpose of requiring the Commissioner of Labor and Industry to adopt
5 certain regulations relating to phasing out over a certain period of time the
6 inspections of elevator units by State inspectors and phasing in inspections by
7 certain mechanical engineers; requiring elevator units on private property to be
8 inspected in a certain manner on or after a certain date; requiring the owner of
9 the elevator unit to submit to the Commissioner a certain inspection
10 certification and a certain certificate of insurance; requiring the Commissioner
11 to verify certain qualifications, licensing, and insurance of the mechanical
12 engineer who conducts the inspection of an elevator unit; requiring the Board of
13 Boiler Rules to adopt certain regulations relating to phasing out over a certain
14 period of time the inspections of boilers and pressures by State inspectors and
15 phasing in inspections by certain mechanical engineers; requiring boilers and
16 pressure vessels on private property to be inspected in a certain manner on or
17 after a certain date; requiring the owner of the boiler or pressure vessel to
18 submit to the Commissioner a certain inspection certification and a certain
19 certificate of insurance; requiring the Commissioner to verify certain
20 qualifications, licensing, and insurance of the mechanical engineer who
21 conducts the inspection of a boiler or pressure vessel; authorizing licensed
22 mechanical engineers to make certain inspections of boilers and pressure vessels
23 under certain circumstances; making stylistic changes; and generally relating to
24 inspections of elevators, boilers, and pressure vessels.

25 BY repealing and reenacting, without amendments,
26 Article - Public Safety
27 Section 12-801(a), (c), (d), and (i), 12-901(a), (b), and (e), 12-906, 12-907,
28 12-910, 12-911, 12-912, 12-913, and 12-915
29 Annotated Code of Maryland
30 (As enacted by Chapter ____ (S.B.1) of the Acts of the General Assembly of 2003)

31 BY repealing and reenacting, with amendments,
32 Article - Public Safety

1 Section 12-805, 12-809, 12-810, 12-811, 12-812, 12-813, 12-814, 12-905, and
2 12-909
3 Annotated Code of Maryland
4 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2003)

5 BY adding to
6 Article - Public Safety
7 Section 12-907.1
8 Annotated Code of Maryland
9 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2003)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Public Safety**

13 12-801.

14 (a) In this subtitle the following words have the meanings indicated.

15 (c) "Certificate" means a certificate of registration and inspection issued by
16 the Commissioner to operate an elevator unit.

17 (d) "Commissioner" means the Commissioner of Labor and Industry or an
18 authorized representative of the Commissioner of Labor and Industry.

19 (i) "Elevator unit" includes an elevator, escalator, dumbwaiter, and moving
20 walk.

21 12-805.

22 (a) The Commissioner shall administer and enforce Part II of this subtitle.

23 (b) (1) The Commissioner shall adopt regulations that conform generally to
24 the American National Standard/American Society of Mechanical Engineers Safety
25 Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code
26 A17.1-1971, and all subsequent amendments and revisions to it.

27 (2) If necessary to fulfill the Commissioner's responsibilities under Part
28 II of this subtitle, the Commissioner shall:

29 (i) adopt regulations that amend standards set forth in the
30 American National Standard/American Society of Mechanical Engineers Safety Code
31 for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code A17.1-1971,
32 and all subsequent amendments and revisions to it; and

33 (ii) adopt other regulations.

1 (3) The regulations shall be consistent with the requirements of §
2 12-1006 of this title.

3 (c) (1) THE COMMISSIONER SHALL ADOPT REGULATIONS TO:

4 (I) PHASE OUT OVER A 3-YEAR PERIOD INSPECTIONS OF
5 ELEVATOR UNITS CONDUCTED ON PRIVATE PROPERTY BY STATE INSPECTORS; AND

6 (II) PHASE IN OVER THE 3-YEAR PERIOD INSPECTIONS OF
7 ELEVATOR UNITS ON PRIVATE PROPERTY TO BE CONDUCTED BY LICENSED
8 MECHANICAL ENGINEERS CHOSEN BY THE OWNER OF THE ELEVATOR UNIT.

9 (2) THE REGULATIONS SHALL BE DEVELOPED IN CONJUNCTION WITH
10 INTERESTED PARTIES IN THE ELEVATOR INDUSTRY AND IN THE PRIVATE SECTOR.

11 (D) The Commissioner may assign duties and functions imposed by Part II of
12 this subtitle to the chief elevator inspector.

13 [(d)] (E) The cost of administering Part II of this subtitle is provided for under
14 § 5-204 of the Labor and Employment Article.

15 12-809.

16 (a) Each inspection required by Part II of this subtitle shall be done by [a
17 State] AN inspector AS PROVIDED IN PART II OF THIS SUBTITLE.

18 (b) (1) [The] IF APPLICABLE, THE contractor, owner, or lessee of an elevator
19 unit shall pay a fee for an inspection at the following rate:

20 (i) half day (up to 4 hours), not to exceed \$250

21 (ii) full day (up to 8 hours), not to exceed \$500

22 (2) Each fee collected under this subsection shall be paid into the
23 General Fund.

24 (3) A contractor, owner, or lessee who notifies the Commissioner at least
25 24 hours in advance of a scheduled inspection that the elevator unit does not comply
26 with the requirements of Part II of this subtitle may not be charged a fee under
27 paragraph (1) of this subsection.

28 (C) (1) ON OR AFTER OCTOBER 1, 2006, FOR AN ELEVATOR UNIT ON PRIVATE
29 PROPERTY, THE INSPECTIONS REQUIRED UNDER PART II OF THIS SUBTITLE SHALL
30 BE CONDUCTED BY A LICENSED MECHANICAL ENGINEER CHOSEN BY THE OWNER
31 OF THE ELEVATOR UNIT.

32 (2) THE OWNER OF THE ELEVATOR UNIT SHALL SUBMIT TO THE
33 COMMISSIONER, FOR EACH ELEVATOR UNIT:

34 (I) AN INSPECTION CERTIFICATION SIGNED AND SEALED BY THE
35 LICENSED MECHANICAL ENGINEER; AND

1 (II) A CERTIFICATE OF INSURANCE TO COVER GENERAL LIABILITY
2 INSURANCE FOR THE ELEVATOR UNIT.

3 (3) THE COMMISSIONER SHALL VERIFY THE QUALIFICATIONS,
4 LICENSING, AND PROFESSIONAL LIABILITY INSURANCE OF THE LICENSED
5 MECHANICAL ENGINEER WHO CONDUCTS THE INSPECTION OF AN ELEVATOR UNIT
6 ON PRIVATE PROPERTY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

7 12-810.

8 (a) [The Commissioner shall conduct] THERE SHALL BE a final acceptance
9 inspection on completion of the installation of an elevator unit before it is placed in
10 service.

11 (b) The Commissioner shall provide an inspection checklist that specifies the
12 requirements for compliance with the Safety Code and other regulations adopted by
13 the Commissioner.

14 (c) Before scheduling a final acceptance inspection [with the
15 Commissioner] for an elevator unit being installed in the State, the contractor shall
16 ensure that:

17 (1) the elevator unit meets the requirements of the Safety Code and
18 other regulations adopted by the Commissioner; and

19 (2) the elements indicated on the inspection checklist are operational,
20 have been tested, and are functional.

21 (d) If an inspector arrives to inspect an elevator unit at the designated time
22 and the elevator unit does not meet the criteria established in subsection (c) of this
23 section, the inspector may cancel the inspection and charge the contractor a fee in
24 accordance with § 12-809 of this subtitle.

25 12-811.

26 (a) If an inspection OR INSPECTION CERTIFICATION discloses that an elevator
27 unit complies with the Safety Code and other regulations adopted by the
28 Commissioner, the Commissioner shall issue a certificate to the owner or lessee of the
29 elevator unit.

30 (b) The certificate shall be posted conspicuously in or on the elevator unit.

31 (c) While a certificate is in effect, it authorizes the holder to operate the
32 elevator unit in a building, structure, or place of employment in the State.

33 12-812.

34 (a) A certificate expires 1 year after its effective date.

35 (b) [The Commissioner shall conduct] THERE SHALL BE an annual inspection
36 of each elevator unit to determine whether to reissue the certificate.

1 (c) Before scheduling an annual inspection [with the Commissioner], the
2 contractor, owner, or lessee of an elevator unit shall:

3 (1) ensure that the elevator unit is operated, inspected, and repaired in
4 accordance with Part II of this subtitle and the regulations adopted under Part II of
5 this subtitle; and

6 (2) make inspection, maintenance, and repair records available to the
7 inspector charged with inspecting the elevator unit.

8 (d) (1) When an [inspector conducts an] annual inspection IS CONDUCTED
9 and the elevator unit fails the inspection, [the inspector shall issue] an inspection
10 checklist SHALL BE ISSUED that specifies the corrections required.

11 (2) The inspection checklist shall be on a form provided by the
12 Commissioner and shall specify the requirements for compliance with the Safety Code
13 and other regulations adopted by the Commissioner.

14 (3) If a follow-up inspection is required to ensure compliance with the
15 corrections specified on the inspection checklist, the contractor, owner, or lessee shall
16 pay a fee in accordance with § 12-809 of this subtitle.

17 12-813.

18 (a) If [an inspector cancels] a final acceptance inspection under § 12-810 of
19 this subtitle IS CANCELLED or if a follow-up inspection is required under § 12-812 of
20 this subtitle, the contractor, owner, or lessee of the elevator unit shall:

21 (1) reschedule the inspection [with the inspector]; and

22 (2) ensure that the elevator unit complies with the requirements of Part
23 II of this subtitle, including correcting as necessary any safety hazards or violations of
24 the Safety Code, on the designated date.

25 (b) A contractor, owner, or lessee shall maintain a copy of any inspection,
26 maintenance, and repair records at a central location in a manner consistent with
27 regulations adopted under Part II of this subtitle.

28 12-814.

29 (a) When an inspection discloses that an elevator unit is in unsafe condition so
30 that its continued operation will violate the Safety Code, or any other regulation
31 adopted by the Commissioner under Part II of this subtitle, a citation may be issued
32 and penalties may be assessed in accordance with §§ 5-212 and 5-213 of the Labor
33 and Employment Article.

34 (b) If after inspection or testing of an elevator unit [the Commissioner
35 determines] IT IS DETERMINED that the elevator unit is in violation of the Safety
36 Code or any other regulation adopted by the Commissioner under Part II of this
37 subtitle, and that there is a substantial probability that death or serious physical

1 harm could result from its continued use, action shall be taken in accordance with §
2 5-210 of the Labor and Employment Article.

3 12-901.

4 (a) In this subtitle the following words have the meanings indicated.

5 (b) "Board" means the Board of Boiler Rules.

6 (e) "Certificate inspection" means an inspection, the report of which is used by
7 the Chief Boiler Inspector to determine whether to issue a certificate.

8 12-905.

9 (a) The Board shall formulate regulations for the safe construction, use,
10 installation, maintenance, repair, and inspection of boilers and pressure vessels in the
11 State.

12 (b) The regulations formulated by the Board shall conform as nearly as
13 possible to the requirements of:

14 (1) this subtitle; and

15 (2) the following codes as amended and interpreted:

16 (i) the Boiler and Pressure Vessel Code of the American Society of
17 Mechanical Engineers;

18 (ii) the Inspection Code of the National Board of Boiler and
19 Pressure Vessel Inspectors;

20 (iii) the Code for Power Piping, B31.1 of the American Society of
21 Mechanical Engineers;

22 (iv) the Code for Controls and Safety Devices for Automatically
23 Fired Boilers, CSD-1 of the American Society of Mechanical Engineers;

24 (v) NFPA 85 Boiler and Combustion Systems Hazards Code; and

25 (vi) the Code for Chemical Plant and Petroleum Refinery Piping,
26 B31.3 of the American Society of Mechanical Engineers.

27 (c) The regulations formulated by the Board may be adopted by the
28 Commissioner subject to the approval of the Secretary.

29 (d) The Board and the Commissioner shall submit proposed amendments to
30 regulations adopted under this subtitle to be consistent with the Maryland Building
31 Rehabilitation Code within 90 days after any amendments to the Maryland Building
32 Rehabilitation Code are adopted by the Department of Housing and Community
33 Development under Subtitle 10 of this title.

1 (E) (1) THE BOARD SHALL FORMULATE REGULATIONS TO:

2 (I) PHASE OUT OVER A 3-YEAR PERIOD INSPECTIONS OF BOILERS
3 AND PRESSURE VESSELS CONDUCTED ON PRIVATE PROPERTY BY THE CHIEF BOILER
4 INSPECTOR AND DEPUTY BOILER INSPECTORS; AND

5 (II) PHASE IN OVER THE 3-YEAR PERIOD INSPECTIONS OF BOILERS
6 AND PRESSURE VESSELS ON PRIVATE PROPERTY TO BE CONDUCTED BY LICENSED
7 MECHANICAL ENGINEERS CHOSEN BY THE OWNER OF THE BOILER OR PRESSURE
8 VESSEL.

9 (2) THE REGULATIONS SHALL BE DEVELOPED IN CONJUNCTION WITH
10 INTERESTED PARTIES IN THE BOILER AND PRESSURE VESSEL INDUSTRY AND IN THE
11 PRIVATE SECTOR.

12 12-906.

13 (a) (1) Whenever the position of Chief Boiler Inspector or deputy boiler
14 inspector becomes vacant, the Secretary of Budget and Management as soon as
15 practicable shall conduct a competitive examination in accordance with Title 7 of the
16 State Personnel and Pensions Article.

17 (2) The examination shall be the same as or equivalent to the
18 examination given by the Board for special inspectors under § 12-907 of this subtitle.

19 (3) With the approval of the Secretary, the Commissioner shall appoint
20 from the successful candidates a Chief Boiler Inspector or deputy boiler inspector.

21 (b) If authorized by the Commissioner, the Chief Boiler Inspector shall:

22 (1) take action necessary to enforce the regulations adopted under this
23 subtitle and the laws of the State that govern the use of boilers and pressure vessels
24 to which this subtitle applies;

25 (2) keep a complete record of the type, dimensions, maximum allowable
26 pressure, age, location, and date of the last recorded inspection of each boiler and each
27 pressure vessel to which this subtitle applies;

28 (3) issue, and for cause shown, suspend or revoke certificates under §
29 12-911 of this subtitle; and

30 (4) refer for prosecution each person who violates this subtitle.

31 (c) Each deputy boiler inspector:

32 (1) is responsible to the Chief Boiler Inspector; and

33 (2) shall perform the duties that the Chief Boiler Inspector directs.

34 (d) All money received by the Chief Boiler Inspector from fees shall be
35 deposited in the General Fund.

1 12-907.

2 (a) (1) The following entities may request the Commissioner to issue special
3 inspector commissions:

4 (i) an authorized insurer that insures boilers and pressure vessels
5 in the State; or

6 (ii) a person that operates pressure vessels in the State that
7 regularly are inspected and rated by an established inspection service under the
8 supervision of engineers whose qualifications are satisfactory to the Board and in
9 accordance with the regulations adopted under this subtitle.

10 (2) On request of an entity described in paragraph (1) of this subsection,
11 the Commissioner may issue a special inspector commission to an individual
12 employed by the entity to serve as a special inspector if the entity and the individual
13 satisfy the requirements of this section.

14 (b) (1) An applicant for a special inspector commission shall be employed by
15 the entity that requests the special inspector commission.

16 (2) An applicant for a special inspector commission for a person that
17 operates pressure vessels shall:

18 (i) be employed full time by the person; and

19 (ii) be responsible for making inspections of pressure vessels that
20 are used or to be used by the person and are not for resale.

21 (3) An applicant for a special inspector commission shall:

22 (i) pass the examination given by the Board under subsection (d) of
23 this section;

24 (ii) hold a commission or certificate of competency as an inspector
25 of boilers and pressure vessels in another state that has an examination substantially
26 equivalent to the examination given by the Board; or

27 (iii) 1. hold a commission as an inspector of boilers and pressure
28 vessels issued by the National Board of Boiler and Pressure Vessel Inspectors; and

29 2. pass the part of the examination given by the Board that
30 differs from the national examination.

31 (c) (1) The employer of an applicant for a special inspector commission
32 shall:

33 (i) submit to the Commissioner an application on the form that the
34 Commissioner requires; and

35 (ii) pay to the Commissioner a fee of \$50.

- 1 (2) The application shall include:
- 2 (i) the name and qualifications of the individual who will serve as
3 a special inspector; and
- 4 (ii) evidence that the individual satisfies the requirements of
5 subsection (b) of this section.
- 6 (d) (1) The Board shall give examinations to applicants for special inspector
7 commissions as provided in this subsection.
- 8 (2) The examination:
- 9 (i) shall be in writing;
- 10 (ii) shall be limited to questions the answers to which will help to
11 determine the fitness and competency of the individual for the intended service; and
- 12 (iii) may consist of questions prepared by the National Board of
13 Boiler and Pressure Vessel Inspectors.
- 14 (3) (i) An applicant who fails the examination may appeal to the
15 Board for a reexamination.
- 16 (ii) The reexamination shall be given by the Board within 90 days.
- 17 (4) The record of an applicant's examination shall be available to the
18 applicant and the applicant's employer.
- 19 (5) The fee for an examination or reexamination is \$50.
- 20 (e) (1) The Commissioner shall issue a special inspector commission to each
21 applicant who meets the requirements of this subtitle.
- 22 (2) The Commissioner may issue a special inspector commission to a
23 representative of an employee organization covered by a collective bargaining
24 agreement.
- 25 (f) An inspection by a special inspector of a boiler or pressure vessel insured
26 or pressure vessel operated by the employer of the special inspector exempts the
27 owner or user of the boiler or pressure vessel from the payment to the State of
28 inspection fees required by this subtitle for the boiler or pressure vessel.
- 29 (g) A special inspector may not receive a salary from or have any expenses
30 paid by the State.
- 31 (h) (1) A special inspector commission expires 2 years after its effective date.
- 32 (2) Before a special inspector commission expires, the employer of the
33 special inspector may renew the commission if the employer:

- 1 (i) pays to the Commissioner a renewal fee of \$50; and
- 2 (ii) submits evidence to the Commissioner that the special
3 inspector:
- 4 1. meets the standards imposed by this subtitle;
 - 5 2. remains in the employment of the employer; and
 - 6 3. has been trained on current boiler and pressure vessel
7 technology in accordance with regulations adopted under this subtitle.

8 (i) Within 30 days after the termination of the employment of a special
9 inspector, the employer shall return the special inspector commission to the Chief
10 Boiler Inspector.

11 (j) (1) If an identification card of a special inspector is lost or destroyed, the
12 Commissioner shall issue a new identification card in its place without another
13 examination.

14 (2) The fee for replacement of an identification card is \$50.

15 (k) (1) After investigation and recommendation by the Board, the
16 Commissioner may suspend the special inspector commission for:

- 17 (i) incompetence of the special inspector;
- 18 (ii) untrustworthiness of the special inspector;
- 19 (iii) willful falsification of any matter or statement contained in the
20 application for the special inspector commission; or
- 21 (iv) willful falsification of any matter or statement contained in a
22 report of an inspection made by the special inspector.

23 (2) Within 10 days after suspending a special inspector commission, the
24 Commissioner shall give written notice of the suspension to the special inspector and
25 the employer of the special inspector.

26 (3) (i) An individual whose special inspector commission has been
27 suspended may appeal to the Board.

28 (ii) At the hearing on the appeal, the individual may be present and
29 represented by counsel.

30 (4) An individual whose special inspector commission has been
31 suspended may apply for reinstatement of the commission after 90 days following the
32 date of the suspension.

33 (l) (1) If the Board has reason to believe that a special inspector is no longer
34 qualified to hold a commission, the Board shall hold a hearing.

1 (2) The Board shall give at least 10 days' written notice of the hearing to
2 the special inspector and to the employer of the special inspector.

3 (3) At the hearing, the special inspector and the employer shall have an
4 opportunity to be heard.

5 (4) If after the hearing the Board finds that the special inspector is no
6 longer qualified to hold a commission:

7 (i) the Board shall recommend to the Commissioner that the
8 special inspector commission be revoked; and

9 (ii) the Commissioner shall revoke the special inspector commission
10 immediately.

11 12-907.1.

12 (A) ON OR AFTER OCTOBER 1, 2006, FOR A BOILER OR PRESSURE VESSEL ON
13 PRIVATE PROPERTY:

14 (1) THE INSPECTIONS REQUIRED UNDER THIS SUBTITLE SHALL BE
15 CONDUCTED BY SPECIAL INSPECTORS HOLDING A COMMISSION UNDER § 12-907 OF
16 THIS SUBTITLE; OR

17 (2) THE OWNER OF THE BOILER OR PRESSURE VESSEL SHALL SUBMIT
18 TO THE COMMISSIONER:

19 (I) AN INSPECTION CERTIFICATION SIGNED AND SEALED BY A
20 LICENSED MECHANICAL ENGINEER; AND

21 (II) A CERTIFICATE OF INSURANCE TO COVER GENERAL LIABILITY
22 INSURANCE FOR THE BOILER OR PRESSURE VESSEL.

23 (B) THE COMMISSIONER SHALL VERIFY THE QUALIFICATIONS, LICENSING,
24 AND PROFESSIONAL LIABILITY INSURANCE OF THE LICENSED MECHANICAL
25 ENGINEER WHO CONDUCTS THE INSPECTION OF A BOILER OR PRESSURE VESSEL ON
26 PRIVATE PROPERTY REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION.

27 12-909.

28 (a) The requirements of this section and §§ 12-910 and 12-911 of this subtitle
29 do not apply to:

30 (1) a boiler or pressure vessel that is located on a farm and used solely
31 for agricultural purposes;

32 (2) a heating boiler that is located in a private residence or an apartment
33 house with less than six family units;

34 (3) a pressure vessel that:

1 (i) contains only water under pressure for domestic supply
2 purposes, including a pressure vessel that contains air, the compression of which
3 serves only as a cushion or airlift pumping system; and

4 (ii) is located in a private residence or an apartment house with less
5 than six family units; or

6 (4) an exhibition or antique boiler or pressure vessel, including a steam
7 or gas engine, wheat thresher, or antique tractor, if the boiler or pressure vessel:

8 (i) has been inspected and issued a certificate of safety by another
9 state that has safety requirements equal to or greater than those of this State; and

10 (ii) has been brought into this State to be used in a temporary exhibit or
11 show.

12 (b) The Chief Boiler Inspector or a deputy boiler inspector shall have free
13 access, during reasonable hours, to any premises in the State:

14 (1) to determine whether a boiler or pressure vessel is being constructed
15 for use or installed in the State in accordance with this subtitle;

16 (2) to inspect or investigate an accident or explosion that involves a
17 boiler or pressure vessel; or

18 (3) to make an inspection required under this subtitle.

19 (c) (1) Except as [provided in paragraphs (2) and (3)] OTHERWISE
20 PROVIDED IN this subsection OR IN § 12-907.1 OF THIS SUBTITLE, the Chief Boiler
21 Inspector or a deputy boiler inspector shall make the certificate inspections required
22 under subsection (d) of this section.

23 (2) If a boiler or pressure vessel is insured by an insurer, a special
24 inspector employed by the insurer shall make the inspections required under
25 subsection (d) of this section.

26 (3) If a pressure vessel is owned or operated by a person who employs a
27 special inspector who holds a commission, the special inspector shall make the
28 inspections required under subsection (d) of this section.

29 (d) (1) Except for boilers and pressure vessels exempt under subsection (a)
30 of this section or § 12-903 of this subtitle, each boiler and each pressure vessel that is
31 used or proposed to be used in the State shall be inspected thoroughly as to its
32 construction, installation, and condition in accordance with this subsection.

33 (2) A certificate inspection required under this subsection shall be:

34 (i) an internal inspection if construction allows; or

35 (ii) an inspection that is as complete as possible.

- 1 (3) (i) A power boiler or a high pressure, high temperature water
2 boiler shall:
- 3 1. receive a certificate inspection annually; and
4 2. be externally inspected annually while under pressure, if
5 possible.
- 6 (ii) The Board may extend to 2 years the interval between
7 certificate inspections of a power boiler if:
- 8 1. the power boiler has internal continuous water treatment
9 under the general supervision of a professional engineer who has experience in the
10 treatment of boiler water; and
- 11 2. the owner or user of the power boiler keeps available, for
12 examination by the Chief Boiler Inspector or by a deputy boiler inspector or special
13 inspector, accurate records that show:
- 14 A. the date, time, and reason that the power boiler is out of
15 service; and
- 16 B. a chemical and physical analysis of samples of the boiler
17 water taken at regular intervals of not more than 48 hours of operation that
18 adequately show the condition of the boiler water and any elements or characteristics
19 of the boiler water that are capable of producing corrosion or other deterioration of the
20 power boiler or its parts.
- 21 (4) A heating boiler shall receive a certificate inspection biennially.
- 22 (5) (i) A pressure vessel that is subject to internal corrosion shall
23 receive a certificate inspection biennially.
- 24 (ii) A pressure vessel that is not subject to internal corrosion shall
25 receive a certificate inspection at intervals set by the Board.
- 26 (iii) Internal inspection is not required of a pressure vessel if:
- 27 1. the contents of the pressure vessel are known to be
28 noncorrosive to the material of which the shell, heads, or fittings are constructed:
- 29 A. from the chemical composition of the contents; or
30 B. from evidence that the contents are adequately treated
31 with a corrosion inhibitor; and
- 32 2. the pressure vessel is constructed in accordance with
33 regulations adopted under this subtitle.
- 34 (6) A nuclear vessel within the scope of this subtitle shall be inspected
35 and reported in a form and with appropriate information designated by the Board.

1 (e) If, at the discretion of the inspector, a hydrostatic test is considered
2 necessary, the owner or user of a boiler or pressure vessel shall make the hydrostatic
3 test.

4 (f) (1) Except as provided in paragraph (2) of this subsection, at least 30
5 days before installing a boiler or pressure vessel covered by this subtitle, the person
6 who will perform the installation shall give the Commissioner notice of the
7 installation in accordance with regulations adopted under this subtitle.

8 (2) Under emergency circumstances, the person who will perform the
9 installation of a boiler or pressure vessel may give the Commissioner notice of the
10 installation less than 30 days before installation in accordance with regulations
11 adopted under this subtitle.

12 (3) Except for a cast-iron sectional boiler or pressure vessel, each boiler
13 to be installed in the State shall be inspected:

14 (i) during construction or field assembly, as required by
15 regulations adopted under this subtitle, by an inspector authorized to inspect boilers
16 and pressure vessels in the State; or

17 (ii) if the boiler is constructed outside the State, by an inspector
18 who holds a commission issued by the National Board of Boiler and Pressure Vessel
19 Inspectors.

20 (g) (1) Within 24 hours after an accident or explosion, the owner or user of a
21 boiler or pressure vessel shall give the Chief Boiler Inspector notice of the accident or
22 explosion in accordance with regulations adopted under this subtitle.

23 (2) On notification or information, the Chief Boiler Inspector or a deputy
24 boiler inspector shall investigate each accident or explosion that involves a boiler or
25 pressure vessel covered by this subtitle.

26 (h) (1) The Board shall provide for public safety and therefore has
27 jurisdiction over the interpretation and application of the inspection requirements
28 provided in the regulations adopted under this subtitle.

29 (2) Inspection requirements of operating equipment shall:

30 (i) be in accordance with generally accepted practice; and

31 (ii) be compatible with the actual service conditions, including:

32 1. previous experience, based on records of performance and
33 maintenance;

34 2. location, with respect to personnel hazard;

35 3. provision for related safe operation controls; and

1 4. interrelation with other operations outside the scope of
2 this subtitle.

3 (i) The owner or user of a boiler or pressure vessel required by this subtitle to
4 be inspected by the Chief Boiler Inspector or a deputy boiler inspector shall pay
5 directly to the Chief Boiler Inspector, on completion of the inspection, a fee in
6 accordance with the following schedule:

7 (1) certificate inspection:

8 (i) initial certificate inspection of a boiler or pressure vessel not
9 previously inspected in the State..... no charge

10 (ii) certificate inspection of a boiler or pressure vessel, other than a
11 pressure vessel attached to an air compressor, previously inspected in
12 the State \$40

13 (iii) certificate inspection of a pressure vessel, attached to an air
14 compressor, previously inspected in the State..... \$10

15 (iv) certificate inspection of an additional boiler or pressure vessel
16 previously inspected in the State, at the same location, on the same date..... \$10

17 (v) follow-up inspection to determine compliance \$50

18 (2) inspection of an antique or model steam boiler or pressure
19 vessel..... \$15

20 (3) investigation of an accident or complaint..... no charge

21 (4) special inspection, such as an inspection at a fabrication or repair
22 facility, ASME joint review, or National Board of Inspection Code Repair Review, shall
23 be charged at the following rates, and shall include all expenses such as travel and
24 hotel costs:

25 (i) half day (up to 4 hours)..... \$250

26 (ii) full day (up to 8 hours) \$500

27 12-910.

28 (a) (1) Each authorized insurer that employs a special inspector shall file
29 with the Chief Boiler Inspector a report on:

30 (i) each certificate inspection; and

31 (ii) any other inspection for which a report is required to be filed
32 under regulations adopted under this subtitle.

33 (2) The report filed under paragraph (1) of this subsection shall:

1 (i) be filed within 30 days after an inspection; and

2 (ii) be in the form required by regulations adopted under this
3 subtitle.

4 (3) For each report not filed electronically, the authorized insurer shall
5 pay a \$5 report filing fee.

6 (4) Within 24 hours after an inspection, each authorized insurer that
7 employs a special inspector shall notify the Chief Boiler Inspector if an inspection
8 reveals a hazardous condition as described in § 12-915(a)(2) of this subtitle that
9 affects the safety of a boiler or pressure vessel.

10 (b) (1) Each person that operates pressure vessels covered by an owner-user
11 inspection service that meets the requirements of this subtitle shall maintain in its
12 files an inspection record that lists, by number and by an abbreviated identification
13 description:

14 (i) each pressure vessel covered by this subtitle;

15 (ii) the date of the last inspection of the pressure vessel; and

16 (iii) the approximate date for the next inspection of the pressure
17 vessel, calculated by applying the appropriate rules for inspection to all data available
18 when the inspection record is compiled.

19 (2) The inspection record shall be readily available for examination by
20 the Chief Boiler Inspector or authorized representative during business hours.

21 (3) (i) In addition, the person shall file annually with the Chief Boiler
22 Inspector a statement that:

23 1. is signed by the professional engineer who supervised the
24 inspections made during the period covered;

25 2. states the number of pressure vessels covered by this
26 subtitle that were inspected during the year; and

27 3. certifies that each inspection was conducted in accordance
28 with the inspection requirements of this subtitle.

29 (ii) The statement shall be accompanied by a filing fee of:

30 1. \$5 per pressure vessel, for a statement that covers not
31 more than 25 pressure vessels;

32 2. \$125, for a statement that covers more than 25 but less
33 than 101 pressure vessels;

34 3. \$250, for a statement that covers more than 100 but less
35 than 501 pressure vessels; or

1 4. \$325, for a statement that covers more than 500 pressure
2 vessels.

3 12-911.

4 (a) If the report filed in accordance with § 12-910(a) of this subtitle shows that
5 a boiler or pressure vessel complies with regulations adopted under this subtitle, the
6 Chief Boiler Inspector shall issue to the owner or user of the boiler or pressure vessel
7 a certificate that bears the date of inspection and specifies the maximum pressure
8 under which the boiler or pressure vessel may be operated.

9 (b) Unless the Board has extended the interval between certificate inspections
10 as authorized by this subtitle, the certificate is valid for:

11 (1) not more than 12 months after its date of issuance for a power boiler
12 or high pressure, high temperature water boiler; and

13 (2) not more than 24 months after its date of issuance for a low pressure
14 steam or vapor heating boiler, hot water heating boiler, hot water supply boiler, or
15 pressure vessel.

16 (c) (1) The certificate shall be posted under glass in the room that contains
17 the boiler or pressure vessel that was inspected.

18 (2) If the boiler or pressure vessel is not located in a building, the
19 certificate shall be posted in a location convenient to the boiler or pressure vessel that
20 was inspected or in any place where the certificate will be accessible to interested
21 parties.

22 (d) (1) The Chief Boiler Inspector or an authorized deputy boiler inspector
23 may suspend a certificate at any time when, in the opinion of the inspector, the boiler
24 or pressure vessel for which the certificate was issued:

25 (i) cannot be operated without danger to public safety; or

26 (ii) is found not to comply with regulations adopted under this
27 subtitle.

28 (2) The suspension of a certificate continues until:

29 (i) the boiler or pressure vessel is made to conform to the
30 regulations adopted under this subtitle; and

31 (ii) the certificate is reinstated.

32 (e) If a boiler or pressure vessel for which a certificate was issued based on the
33 report of a special inspector ceases to be insured by an authorized insurer, the
34 certificate is invalid.

1 12-912.

2 The owner or user of a boiler or pressure vessel shall:

3 (1) ensure that the boiler or pressure vessel is operated, inspected, and
4 repaired in accordance with this subtitle and regulations adopted under this subtitle;

5 (2) maintain a copy of inspection, maintenance, and repair records at a
6 central location in accordance with regulations adopted under this subtitle; and

7 (3) make inspection, maintenance, and repair records available to the
8 inspector required to inspect the boiler or pressure vessel.

9 12-913.

10 (a) An authorized insurer that provides insurance coverage for boilers or
11 pressure vessels in the State shall:

12 (1) conduct the certificate inspection for each boiler and pressure vessel
13 that the insurer insures by the date the certificate inspection is due;

14 (2) file with the Chief Boiler Inspector the reports required under §
15 12-910 of this subtitle;

16 (3) develop, maintain, submit, and update, as defined by regulation, a
17 database of all boilers and pressure vessels that the insurer insures in the State and
18 track the date when the certificate inspection for each boiler or pressure vessel is due
19 to ensure that the certificate inspections are due and completed as required under
20 this subtitle; and

21 (4) develop, maintain, and make available to the Commissioner a quality
22 assurance program in accordance with regulations adopted under this subtitle.

23 (b) If more than one insurer provides insurance coverage for a boiler or
24 pressure vessel or if an owner-user employs an individual with a special inspector
25 commission, the insurers or owner-user:

26 (1) may agree to coordinate certificate inspections to ensure that the
27 boiler or pressure vessel is inspected; and

28 (2) shall ensure that responsibility for the certificate inspection is clearly
29 defined.

30 12-915.

31 (a) On inspection, the Chief Boiler Inspector or an authorized deputy boiler
32 inspector may prohibit the use of a boiler or pressure vessel if the inspector
33 determines that:

34 (1) the boiler or pressure vessel or part of it violates a standard, safety
35 code, or regulation adopted under this subtitle; and

1 (2) there is substantial probability that death, serious physical harm, or
2 serious damage to property could result from continued use of the boiler or pressure
3 vessel.

4 (b) (1) To prohibit the use of a boiler or pressure vessel, the Chief Boiler
5 Inspector or an authorized deputy boiler inspector shall give the owner or the owner's
6 agent notice that use of the boiler or pressure vessel is prohibited.

7 (2) The notice shall describe, in detail:

8 (i) the nature of each alleged violation;

9 (ii) the reason for the prohibition from use;

10 (iii) the penalties of this subtitle; and

11 (iv) if appropriate, a recommendation on how to correct the
12 violation.

13 (c) A copy of the notice under subsection (b) of this section:

14 (1) shall be attached to the boiler or pressure vessel; and

15 (2) may not be removed by any person except the Chief Boiler Inspector
16 or an authorized deputy boiler inspector until the Chief Boiler Inspector or an
17 authorized deputy boiler inspector determines that:

18 (i) each violation described in the notice has been corrected; and

19 (ii) the threat of death, serious physical harm, or serious damage to
20 property resulting from the violation has been eliminated.

21 (d) Use of a boiler or pressure vessel is prohibited while a notice under
22 subsection (b) of this section is posted on the boiler or pressure vessel.

23 (e) If the owner or user of a boiler or pressure vessel continues to use a boiler
24 or pressure vessel after notice is issued under subsection (b) of this section, the
25 Commissioner may assess a civil penalty against the owner or user not exceeding
26 \$1,000 per day for each boiler or pressure vessel in violation.

27 (f) (1) An owner or user who is aggrieved by a decision of the Commissioner,
28 the Chief Boiler Inspector, or an authorized deputy boiler inspector under this section
29 may bring an action to modify or vacate the decision on the ground that it is unlawful.

30 (2) An action under this subsection may be brought in the Circuit Court
31 for Baltimore City or in the circuit court for the county where the boiler or pressure
32 vessel is located.

33 (3) In a proceeding under this subsection, a court may not stay a decision
34 of the Commissioner, the Chief Boiler Inspector, or an authorized deputy boiler
35 inspector unless:

1 (i) the court gives the Commissioner notice and an opportunity for
2 a hearing; and

3 (ii) the aggrieved owner or user posts security or meets each
4 condition that the court considers proper.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2003.